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9
10 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA, SOUTHERN DIVISION

11 ***

12 JIMMY JIHO PARK, an individual;

13 Plaintiff,

14 vs.

15 GEICO ADVANTAGE INSURANCE
16 COMPANY, a Maryland Corporation; DOES I
through XV, and ROE Corporations I through
17 X, inclusive,

18 Defendants.

CASE NO.: 2:20-cv-1343-JCM-EJY

**STIPULATION AND ~~(PROPOSED)~~
ORDER TO STAY DISCOVERY AS TO
PLAINTIFF'S SECOND, THIRD, AND
FOURTH CAUSES OF ACTION**

19
20 Pursuant to LR IA 6-1, 6-2 and LR 26-4, Plaintiff JIMMY JIHO PARK ("Plaintiff"), by
21 and through his counsel of record, along with Defendant GEICO ADVANTAGE INSURANCE
22 COMPANY ("Defendant"), by and through its counsel of record (collectively, the "Parties"),
23 hereby stipulate and agree to stay the discovery as to Plaintiff's Second, Third, and Fourth Causes
24 of Action pending resolution of Plaintiff's First Cause of Action (Breach of Contract).

25 On July 28, 2020, Defendant filed two motions: a Motion to Dismiss Plaintiff's Second,
26 Third, and Fourth Causes of Action (the "extra-contractual claims") (ECF No. 5), and a Motion to
27 Bifurcate the extra-contractual claims or, alternatively, to stay discovery as to the extra-contractual
28 claims until resolution of Plaintiff's breach of contract claim (ECF No. 6) (the "Motions"). By

1 stipulation, the Parties agreed to and sought to extend the briefing schedule for Plaintiff's
 2 corresponding Responses to Defendant's Motions. In so doing, the Parties have now reached an
 3 agreement that will obviate the need for further motion practice at this time and obviate the need
 4 to engage into potentially unnecessary discovery into the extra-contractual claims, to wit: to stay
 5 discovery into the extra-contractual claims until such time as the contract claim is resolved.

6 The Parties further agree to notify the Court of the Parties' resolution of Plaintiff's First
 7 Cause of Action within fifteen (15) days of any such resolution, and agree to submit a proposed
 8 Amended Discovery Plan and Scheduling Order for the Court's consideration within thirty (30)
 9 days of resolution of Plaintiff's First Cause of Action.

10 The Parties further agree that Defendant will withdraw its pending Motions at this time,
 11 said Notice of Withdrawal to be filed concurrently with this stipulation. (ECF No. ____).

12 This is the first request to stay discovery of the extra-contractual claims in this matter.
 13 This request reflects the Parties' intention to seek an efficient means to conduct discovery and
 14 reach a resolution of Plaintiff's contract claim.

15 **A. PROCEDURAL ACTIONS COMPLETED TO DATE**

16 1. On July 20, 2020, Defendant removed the instant action. (ECF No. 1); filed its
 17 Certificate of Interested Parties (ECF No. 2), and demanded a trial by jury (ECF No. 3).

18 2. On July 28, 2020, Defendant filed its Motion to Dismiss the Second, Third, and
 19 Fourth Causes of Action in Plaintiff's Complaint. (ECF No. 5).

20 3. On July 28, 2020, Defendant filed its Motion to Bifurcate and Stay Plaintiff's
 21 Second, Third, and Fourth Causes of Action. (ECF No. 6).

22 4. On August 10, 2020, the parties submitted a stipulation and proposed order
 23 extending the briefing schedule for Plaintiff's responses to Defendant's motions. (ECF No. 7).

24 5. On August 17, 2020, the Court ordered that the new deadline for Plaintiff's
 25 response to Defendant's motions as August 25, 2020. (ECF No. 9).

26 6. On August 19, 2020, Defendant filed its Statement re Removed Action. (ECF No.
 27 11).

28 7. The parties held their FRCP 26(f) conference on August 31, 2020, during which the

Parties discussed the scope and timing of discovery as to Plaintiff's First Cause of Action (breach of contract) only.

B. DISCOVERY THAT REMAINS TO BE COMPLETED

The Parties have not conducted any discovery beyond participating in their FRCP 26(f) conference. Subsequent to submitting their Joint Proposed Discovery Plan and Scheduling Order, the Parties will serve their respective FRCP 26(a)(1) Initial Disclosures pertaining to Plaintiff's First Cause of Action only. The Parties will propound written discovery and may issue subpoenas for documents regarding same. The Parties will depose relevant fact witnesses as to the nature and extent of Plaintiff's injuries and treatment.

C. SCHEDULE FOR COMPLETING DISCOVERY

The Parties will incorporate the instant stipulation to stay discovery into Plaintiff's extra-contractual claims into their proposed joint discovery plan, which will thereby allow discovery into Plaintiff's First Cause of Action to proceed forthwith.

DATED this 1st day of September 2020.

DATED this 1st day of September 2020.

LEWIS BRISBOIS BISGAARD & SMITH LLP

V3 LAW, LLC

/s/ CHERYL A. GRAMES

/s/ JOSE E. VALENZUELA III

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ORDER

IT IS HEREBY ORDERED that pursuant to GEICO's Notice of Withdrawal of Motions docketed as ECF Nos. 5 and 6 (ECF No. 16), the Stipulation and Order to Stay Discovery as to Plaintiff's Second, Third, and Fourth Causes of Action (ECF No. 15) is GRANTED.

IT IS FURTHER ORDERED that ECF Nos. 5 and 6 shall be docketed as withdrawn.

IT IS FURTHER ORDERED that within ten (10) days of the date of this Order, the parties shall submit a discovery plan and scheduling order that incorporates the stay and advises how, if at all, discovery will proceed regarding the causes of action on which discovery is stayed once a determination on Plaintiff's First Cause of Action is determined.


UNITED STATES MAGISTRATE JUDGE

Dated: September 1, 2020